

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EXXON MOBIL CORPORATION

Plaintiff,

v.

No. 17-CV-2301 (VEC) (SN)

ERIC TRADD SCHNEIDERMAN, Attorney
General of New York, in his official capacity, and
MAURA TRACY HEALEY, Attorney General of
Massachusetts, in her official capacity,

Defendants.

DECLARATION OF JUSTIN ANDERSON

I, Justin Anderson, declare pursuant to 28 U.S.C. § 1746:

1. I am a lawyer with Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for plaintiff Exxon Mobil Corporation (“ExxonMobil”) in the above-captioned matter. I submit this Declaration in support of Plaintiff’s Opposition to Non-Party Carroll Muffett’s Motion for a Protective Order. I have personal knowledge of the facts stated herein, based on my experience or my consultation with others, or they are known to me in my capacity as counsel for ExxonMobil, and each of them is true and correct.

2. Attached as Exhibit A is a copy of an email from Kenny Bruno, Senior Advisor, New Venture Fund, to Lee Wasserman, Director & Secretary, Rockefeller Family Fund, dated January 5, 2016, obtained from <http://freebeacon.com/wp-content/uploads/2016/04/scan0003.pdf>.

3. Attached as Exhibit B is a copy of a draft agenda for a January 8, 2016 meeting at the Rockefeller Family Fund in New York, obtained from <http://eidclimate.org/wp-content/uploads/2017/10/Rockefeller-ExxonKnew-Strategy-Meeting-Memo-Jan-2016.pdf>.

4. Attached as Exhibit C is a copy of a draft agenda of the April 25, 2016 Conference on “Potential State Causes of Action Against Major Carbon Producers,” obtained from <https://climatelitigationwatch.org/wp-content/uploads/2018/05/Doc-143.pdf>.
5. Attached as Exhibit D is a copy of an article published by the *Union of Concerned Scientists* on May 11, 2016, obtained from <https://blog.ucsusa.org/peter-frumhoff/scientists-state-prosecutors-fossil-fuel-companies-climate-accountability>.
6. Attached as Exhibit E is a copy of an article published by *DeSmogBlog* on August 23, 2017, obtained from <https://www.desmogblog.com/2017/08/23/exxon-changed-its-tune-climate-science-depending-audience-study-shows>.
7. Attached as Exhibit F is a copy of a letter from Justin Anderson to Marco Simons dated June 5, 2017.
8. Attached as Exhibit G is a copy of an email from Marco Simons to Justin Anderson, dated April 20, 2018.
9. Attached as Exhibit H is a copy of an article published by *Climate Liability News* on November 16, 2017, obtained from <https://www.climateliabilitynews.org/2017/11/16/climate-accountability-liability-ciel-cop-23>.
10. Attached as Exhibit I is a copy of an article published by *350.org* on January 10, 2018, obtained from <https://350.org/press-release/nyc-divests>.
11. Attached as Exhibit J is a copy of a tweet by Carroll Muffett, dated November 16, 2017, obtained from <https://twitter.com/cmuffett1/status/931303037343358976>.
12. Attached as Exhibit K is a copy of an order issued by U.S. District Judge Ed Kinkeade in *Exxon Mobil Corp. v. Healey*, No. 4:16-cv-00469-K (N.D. Tex. Oct. 13, 2016) (ECF No. 73).

13. Attached as Exhibit L is a copy of a subpoena ExxonMobil issued to Matthew Pawa on November 9, 2016.

14. Attached as Exhibit M is a copy of a subpoena ExxonMobil issued to the Pawa Law Group, P.C. on November 9, 2016.

15. Attached as Exhibit N is a copy of Pawa Law Group, P.C. and Matthew Pawa's Motion to Quash Nonparty Subpoenas Issued by Exxon Mobil Corporation in *Exxon Mobil Corporation v. Pawa Law Group, P.C.*, No. 1:16-cv-12504-WGY (D. Mass. Nov. 23, 2016) (ECF No. 1).

16. Attached as Exhibit O is a copy of Exxon Mobil Corporation's Cross-Motion to Transfer and to Compel in *Exxon Mobil Corporation v. Pawa Law Group, P.C.*, No. 1:16-cv-12504-WGY (D. Mass. Dec. 7, 2016) (ECF No. 15).

17. Attached as Exhibit P is a copy of Pawa Law Group, P.C. and Matthew Pawa's Memorandum in Opposition to Exxon Mobil Corporation's Cross Motion to Transfer and Compel in *Exxon Mobil Corporation v. Pawa Law Group, P.C.*, No. 1:16-cv-12504-WGY (D. Mass. Dec. 14, 2016) (ECF No. 25).

18. Attached as Exhibit Q is a copy of an order issued by U.S. District Judge Ed Kinkeade in *Exxon Mobil Corp. v. Healey*, No. 4:16-cv-00469-K (N.D. Tex. Dec. 15, 2016) (ECF No. 163).

19. Attached as Exhibit R is a copy of a letter written by counsel for Exxon Mobil Corporation in *Exxon Mobil Corporation v. Pawa Law Group, P.C.*, No. 1:16-cv-12504-WGY (D. Mass. Dec. 15, 2016) (ECF No. 31).

20. Attached as Exhibit S is a copy of a transcript of a hearing held in *Exxon Mobil Corporation v. Pawa Law Group, P.C.*, No. 1:16-cv-12504-WGY (D. Mass. Dec. 16, 2016) (ECF No. 36).

21. Attached as Exhibit T is a copy of an order issued in *Exxon Mobil Corporation v. Pawa Law Group, P.C.*, No. 1:16-cv-12504-WGY (D. Mass. Dec. 23, 2016) (ECF No. 34).

22. Attached as Exhibit U is a copy of a transcript of a hearing held in *Exxon Mobil Corp. v. Healey*, No. 1:17-cv-2301-VEC (S.D.N.Y. Apr. 21, 2017) (ECF No. 214).

23. Attached as Exhibit V is an order issued by U.S. District Judge Valarie Caproni in *Exxon Mobil Corp. v. Healey*, No. 1:17-cv-2301-VEC (S.D.N.Y. Apr. 24, 2017) (ECF No. 198).

24. Attached as Exhibit W is a copy of an article published by *Republic of the Philippines: Philippine News Agency* on May 23, 2018, obtained from <http://www.pna.gov.ph/articles/1036184>.

25. Attached as Exhibit X is a copy of a blog post published by the Center for International Environmental Law on January 9, 2018, obtained from <http://www.ciel.org/subpoenaed-exxon-yet>.

26. Attached as Exhibit Y is a copy of an article published by *Climate Liability News* on January 10, 2018, obtained from <https://www.climateliabilitynews.org/2018/01/10/exxon-california-climate-lawsuits>.

27. Attached as Exhibit Z is a copy of a tweet by Carroll Muffett, dated November 30, 2017, obtained from <https://twitter.com/cmuffett1/status/936267635255402497>.

28. Attached as Exhibit AA is a copy of an article published by *City & State New York* on June 3, 2018, obtained from <https://www.cityandstateny.com/articles/policy/energy-environment/exxon-mobil-next-philip-morris.html>.

29. Attached as Exhibit BB is a copy of an article published by *Axios* on June 4, 2018, obtained from <https://www.axios.com/big-oil-teeters-between-enemy-and-ally-in-climate-fight-d78db1a3-775e-4185-a5ad-698a4d6dc85a.html>.

30. Attached as Exhibit CC is a copy of the *Climate Accountability Institute*'s "Board of Directors" webpage, obtained from <http://www.climateaccountability.org/about.html>.

31. Attached as Exhibit DD is a copy of a report entitled "Establishing Accountability for Climate Change Damages: Lessons from Tobacco Control" published by *Climate Accountability Institute* in October 2012, obtained from <http://www.climateaccountability.org/pdf/Climate%20Accountability%20Rpt%20Oct12.pdf>.

32. Attached as Exhibit EE is a copy of a transcript of the AGs United for Clean Power Press Conference, held on March 29, 2016, which was prepared by counsel based on a video recording of the event. The video recording is available at <http://www.ag.ny.gov/press-release/ag-schneiderman-former-vice-president-al-gore-and-coalition-attorneys-general-across>.

33. Attached as Exhibit FF is a copy of an email sent by Wendy Morgan, Chief of Public Protection, Office of the Vermont Attorney General, to Michael Meade, Director Intergovernmental Affairs Bureau at the New York Attorney General's Office, on March 18, 2016 at 6:06 PM.

34. Attached as Exhibit GG is a copy of an email sent by Lemuel Srolovic, Bureau Chief of the Environmental Protection Bureau at the New York Attorney General's Office, to Matthew Pawa on March 30, 2016 at 9:01 PM.

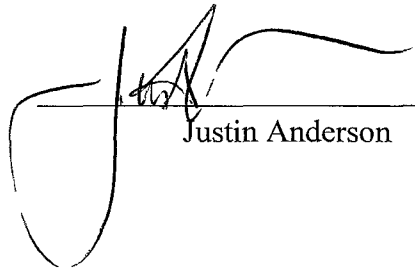
35. Attached as Exhibit HH is a copy of an email sent by Matthew Pawa to "AG Folks" on March 31, 2016 at 5:31 PM.

36. Attached as Exhibit II is a copy of an email from Marco Simons to Justin Anderson, dated June 7, 2018.

37. On December 9, 2016, attorneys for ExxonMobil and Carroll Muffett held a telephonic meet and confer to discuss the subpoena ExxonMobil issued to Muffett on November 9, 2016. During that meeting, Marco Simons stated that Muffett possessed documents that are responsive to the subpoena.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C. on June 8, 2018.



Justin Anderson